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SUBJECT: INDICTMENTS ISSUED IN GERDEC SCANDAL

Classified By: DCM Stephen Cristina for reasons 1.4 (b) and (d)

¶1. (C) Summary. On February 11 the Prosecutor General issued at least eleven indictments in connection with the Gerdec tragedy, including against Former Defense Minister Mediu and Former Chief of Defense Luan Hoxha. The accused are charged with abuse of office and will not be detained pending their trial. Prosecutor General Ina Rama has indicated to Post that she will separate the investigation into two parts - one on Gerdec and one on arms deals - and that she will send the Gerdec case to the Supreme Court this week or next. The indictments threaten to erase any positive influence on public opinion Berisha had gained by his trip last week to Washington, D.C., and will likely dominate the news cycle in the coming days. The indictments could also trigger another round of attacks by the PM against the Prosecutor General's Office. End Summary.

¶2. (U) This morning, as expected, the Prosecutor General summoned several former officials to announce indictments against them in the March 15, 2008 Gerdec scandal. There were conflicting reports as to the number indicted (from 11 to 21), but all lists included the following high individuals:

- Fatmir Mediu, former Minister of Defense
- General Luan Hoxha, former Chief of Defense
- General Shpetim Spahiu, former Commander of the Joint Forces Command
- General Zija Bahja, former Commander of the Support Command (Logistics)
- LTC Dashnor Caushi, former Director of General Staff J4
- Ardian Mullahi, former MoD General Secretary
- Adriatik Mema, former MoD General Secretary
- Shkelzen Madani, former MoD Director of Management
- Mihal Delijorgji, Director of Albdemil (already in detention)
- Dritan Minxolli, Technical Director of Albdemil (already in detention)
- Ylli Pinari, former Director of MEICO (already in detention)

¶3. (U) While Pinari, Minxolli and Delijorgji have been accused of mass murder and violation of the rules on handling explosives, all others - including Mediu - are accused of "abuse of office," which carries a sentence of two to four years imprisonment. None of those indicted today have been detained, but will be allowed their freedom until possible sentencing. Many critics were disappointed at the seemingly light accusation of "abuse of office," but prosecutors have pointed out that given the evidence, this is the maximum charge possible since the accused were not directly involved in dismantling of munitions at the site.

¶4. (C) In a meeting last week with the Ambassador, Prosecutor General Ina Rama stated that the investigation has been divided into two. The first will focus on the Gerdec tragedy. She stated that this investigation is complete and she intends to send it to the Supreme Court within the next week or so. (Note: only the Supreme Court - not to be confused with the Constitutional Court - has the competency to try cases involving government ministers. End note.)

¶5. (C) The second investigation will focus on illegal arms deals with companies such as Efraim Diveroli, s AEY. Print media speculate that this case will also include mysterious arms deals between MEICO and a US-Israeli security company named "Elmotech," including a March purchase of 3200 107mm rockets. This investigation will take more time and is thus being separated from the Gerdec investigation.

¶6. (C) In a conversation with a U.S contractor, Mediu reacted to the charges today, complaining that the Prosecution has issued blanket charges on everyone involved. He noted that the prosecution has not interviewed him once. (Note. Mediu was summoned by the prosecution at least once last year, but he did not respond to the summons, stating he was in the U.S. for family affairs and could not leave. End note.)

¶7. (C) Of note from the above list, Adriatik Mema is currently at the U.S. Naval Post Graduate Academy; his studies are funded through IMET.

COMMENT

¶8. (C) These indictments come at a bad time for PM Berisha, who just returned from what has been portrayed as a triumphal visit to Washington DC and organized by now-accused Mediu. Berisha has been successfully spinning his "meetings" with Vice President Biden, Speaker Pelosi and assorted other high-ranking U.S. officials at the National Prayer Breakfast, proving America's stamp of approval on Berisha's governance. Last week, in a demonstration of his gratitude to Mediu for organizing the trip, Berisha declared in a VOA interview before knowledge of the indictments that "for one year now, there have been hundreds and hundreds of stories that have not been able to prove the tiniest element of implication of Mr. Mediu in corruption." Further, Berisha criticized prosecutors for seeking to blame Mediu and ignoring senior military officials. However, today's indictments threaten to erase the trip's positive influence on public opinion. In the next few weeks, Berisha will likely ratchet up pressure even more on the Prosecutor General's office.

WITHERS